

**REMARKS**

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claim 1 has been amended to recite that the ink receptive layer is formed by coating the support with an aqueous composition comprising the polymeric organic particles dispersed in water. Support for such amendment can be found in the instant specification at least at page 23, line 16 to page 24, line 1. New independent claim 8 has been added which recites a process for producing an ink jet recording medium. Support for such new claim can be found in the instant specification at least at least at page 5, lines 3-8 and 14-18; page 13, lines 14-18; and page 23, line 16 to page 24, line 1.

In the Official Action, claims 1, 2 and 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,361,768 (*Galleguillos et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

It is well established that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For an anticipation to exist, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the present case, independent claim 1 recites that the at least one ink receptive layer contains polymeric organic particles provided on a support, wherein such particles have an average particle diameter of 1 to 500 nm. Thus, according to claim 1, the recited polymeric organic particles are, by definition, in particle form when

present on the support. *Galleguillos et al* has no explicit disclosure of polymeric organic particles having an average particle diameter of 1 to 500 nm, which are present on a support.

In the outstanding Official Action at page 3, the Examiner has maintained the anticipation rejection in view of *Galleguillos et al*, based on the fact that "The claimed invention is not limited to a water based coating solution to form the ink receptive layer." In an effort to expedite prosecution, claim 1 has been amended to recite that the ink receptive layer is formed by coating the support with an aqueous composition comprising the polymeric organic particles dispersed in water. Thus, it is believed that the Examiner's reasons for maintaining the outstanding rejection have been addressed by such amendment and, as such, withdrawal of the rejection is now in order.

Specifically, *Galleguillos et al* does not disclose an ink receptive layer containing polymeric organic particles provided on a support, wherein such particles have an average particle diameter of 1 to 500 nm, in combination with the formation of the ink receptive layer by coating the support with an aqueous composition comprising the polymeric organic particles dispersed in water, as is now recited in claim 1. By comparison, *Galleguillos et al* teaches that the copolymer dissolves readily in water when added to water-based compositions. See col. 3, lines 56-58. Quite clearly, such composition of *Galleguillos et al* does not contain the copolymer in particle form; rather, the copolymer is present in such composition in a dissolved state. Further, there is no disclosure that polymeric organic particles having an average particle diameter of 1 to 500 nm are formed and are present on the support as a result of coating such composition of the dissolved copolymer.

For at least the above reasons, *Galleguillos et al* fails to constitute an anticipation of independent claim 1. Accordingly, for at least the above reasons, withdrawal of the above §102(b) rejection is respectfully requested.

New independent claim 8 is separately distinguishable from *Galleguillos et al*. Such claim is directed to a process for producing an ink jet recording medium, and recites coating the support with an aqueous composition comprising the polymeric organic particles dispersed in water, wherein the polymeric organic particles have an average particle diameter of 1 to 500 nm. *Galleguillos et al* has no disclosure or suggestion of such a process.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 20, 2009

By:



Roger H. Lee  
Registration No. 46317

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620